Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4782 OF 2004

PETITIONER:

Smt. Bismat Bai
Aged about 56 years.
W/O Shri Anand Ram
Village-& Post- Bhoring
Distt. Mahasamund. (C.G.)

VERSUS

RESPONDENTS:

1.State Of Chhattisgarh
Through Secretary ,
Water Resoures Deptt.
Mantralaya, D.K.S.Bhawan,
Raipur (C.G.)

2. Sub-Divisional Officer
Kodar Head Work Sub-Division
Mahasamund. Chhattisgarh.

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06/XII/04
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER.

XI-HC—78

(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.4783/04 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

31/01/2005

Shri Sunil Ottwani, counsel for the petitioner.

Shri Akhil Agrawal, P.L. for the State.

Heard.

The petitioner by the instant petition has challenged the order of Annexure P-1 by which the petitioner was removed from service with effect from 31/03/2003 on the ground that the petitioner had already attained the age of superannuation i.e. 55 years.

Learned counsel for the petitioner submits that the State had subsequently taken the decision dated 16/08/2004 whereby the age of superannuation in the Water Resources Department has been enhanced to 60 years. The above order has been filed as Annexure P-6. Learned counsel for the petitioner further submits that similarly situated gang men were directed by this Court to be reinstated and passed suitable order in accordance with the order dated 16/08/2004 in their cases also.

Learned counsel for the petitioner submits that the petitioner has not attained the age of 60 years as per policy vide Annexure P-6 even then the petitioner has been retired on 31/03/2003.

Learned counsel for the respondents has not disputed that the State Government has enhanced the age of superannuation to 60 years vide order Annexure P-6.

I have heard learned counsel for the parties.

XI-HC—78

(25)

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Learned counsel for the petitioner submits that if the petitioner is granted liberty to make representation to the respondents to consider his case for reinstatement as per new policy vide Annexure P-6 and on such representation being made by the petitioner, the same is to be decided within a stipulated period in the ends of justice shall be served.

Thus, considering the facts and circumstances of the case and further considering the fact that the age of superannuation has been enhanced to 60 years and this Court in W.P. No. 1149/2003 vide order dated 29/09/2004 had directed the respondents to reconsider the cases of already retired gang men, I am of the opinion that the ends of justice would be served if the petitioner is given liberty to make detailed representation before the respondents for reinstatement as per policy vide Annexure P-6 and which shall be decided within 10 days from today and the same shall be decided by the respondents within a further period of four weeks from the receipt of such representation in the light of change of policy vide Annexure P-6 and in the light of order dated 29/09/2004 passed in W.P. No. 1149/2003.

With this observation, the petition is disposed of.

Sd/-
Dhirendra Mishra
Judge